

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DOUGLAS JAMES BITTINGER,)	
)	Civil Action No. 06 - 558
)	
Petitioner,)	District Judge Nora Barry
)	Fischer
v.)	
)	
DAVID DIGUGLIELMO, THE)	
ATTORNEY GENERAL OF THE)	
STATE OF PENNSYLVANIA, and)	
JOHN C. PETTIT, DISTRICT)	
ATTORNEY FOR THE COUNTY OF)	
WASHINGTON, PA.,)	

Respondents.

MEMORANDUM ORDER

On April 27, 2006, the above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* accompanied by a Petition for Writ of Habeas Corpus and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation filed on May 9, 2008 (doc. no. 23) recommended that the Petition for Writ of Habeas Corpus be denied as untimely. Petitioner was served with the Report and Recommendation and was advised he was allowed ten (10) days from the date of service to file written objections to the Report and Recommendation. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 5th day of June, 2008;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED** as untimely.


IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 23) of Magistrate Judge Lenihan is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:


Nora Barry Fischer
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

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